

# EXHIBIT A17

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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3	ANTHONY DALE, BRETT JACKSON,	)	
4	JOHNNA FOX, BENJAMIN BORROWMAN,	)	
5	ANN LAMBERT, ROBERT ANDERSON,	)	
6	and CHAD HOHENBERY on behalf of	)	
7	themselves and all others	)	
8	similarly situated,	)	
9		)	
10	Plaintiffs,	)	
11		)	No. 22 C 3189
12	vs.	)	Chicago, Illinois
13		)	February 6, 2024
14	DEUTSCHE TELEKOM AG, et al.,	)	9:25 a.m.
15		)	
16	Defendants.	)	

TRANSCRIPT OF TELEPHONIC PROCEEDINGS  
BEFORE THE HONORABLE THOMAS M. DURKIN

APPEARANCES:

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1 APPEARANCES: (Continued)

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14 BY: MR. CLIFFORD C. HISTED

15 GIBSON, DUNN & CRUTCHER LLP  
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19 BY: MS. RACHEL S. BRASS  
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1 (Proceedings in open court - parties via teleconference)

2 THE COURTROOM DEPUTY: 22 CV 3189, Dale versus  
3 Deutsche Telekom.

09:25:27

4 May I please ask the attorney present on behalf of  
5 the plaintiff to state their name.

6 MR. SMITH: This is Gary Smith with Hausfeld LLP on  
7 behalf of the plaintiffs. Also on the line are Brendan  
8 Glackin, Lin Chan and Nicholas Lee with Lieff Cabraser and  
9 Robert Litan with Berger Montague for the plaintiffs.

09:25:45

10 THE COURTROOM DEPUTY: And on behalf of T-Mobile,  
11 please.

12 MR. HISTED: Good morning, Your Honor. For T-Mobile,  
13 this is Cliff Histed with KL gates. And I'm joined this  
14 morning by my colleague Rachel Brass from Gibson, Dunn.

09:25:58

15 MS. BRASS: I'm here, Your Honor.

16 THE COURT: Good morning.

17 THE COURTROOM DEPUTY: And on behalf of Softbank  
18 Group Corporation?

19 THE COURT: All right. Well, they're --

09:26:15

20 MR. SMITH: They were dismissed, Your Honor, so I  
21 think they might --

22 THE COURT: Yeah, I realize they probably won't be  
23 attending this for fear they might be dragged back in. So  
24 okay.

09:26:24

25 MR. SMITH: I think that's probably right.

1 THE COURT: All right. Well, thank you all for  
2 coming on and being patient.

3 You filed a joint status report on January 30th at  
4 document 154. It was very comprehensive, and I appreciate all  
09:26:36 5 the work that went into it and the cooperation the parties  
6 evidenced by going through it.

7 You largely agreed on many of the key issues. You  
8 have one disagreement we'll get to in a minute. But you all  
9 agreed on a fact discovery cut-off of November 13, 2025. And  
09:26:58 10 that seems reasonable given the fairly complicated and  
11 extensive scope of discovery in this case.

12 At page 3, there was a reference to having a status  
13 conference every 60 days. I think that's a good idea.

14 The parties differ on whether a joint status report  
09:27:15 15 should be filed 7 days before each status conference. I'm  
16 going to ask you to do that.

17 T-Mobile's concern that raising any disputes in the  
18 status report encourages parties from reaching resolution  
19 without Court intervention, I think it does the opposite  
09:27:30 20 because no one wants to, I hope, include in status reports  
21 things that should have been resolved by the parties without  
22 Court intervention.

23 If it's a problem that is raised in a status report  
24 that should have been resolved after a meet and confer, I'll  
09:27:48 25 simply tell you to go back and meet and confer before I have

1 to consider it.

2 But an updated status report that tells me what is  
3 going on and also has a proposed agenda, if there is any  
4 reason, things we ought to address in each call I find to be  
09:28:06 5 very helpful. I've done that in some other large cases, and  
6 it encourages having efficient updates on the case.

7 So we will do status conference calls every 60 days  
8 and a joint status report filed 7 days before that.

9 If the status report is nothing more than a few lines  
09:28:28 10 saying "We're proceeding as planned," that's just fine. And  
11 if it turns out the parties believe a status call is  
12 unnecessary in light of the fact that you are proceeding as  
13 planned and as scheduled, contact my courtroom deputy and say  
14 the parties don't believe one is necessary at that 60-day  
09:28:48 15 interval and that we ought to set it up for 60 days after.  
16 But in the meantime we'll just keep it at a 60-day status.

17 The biggest disagreement, really only disagreement in  
18 this joint status report is whether merits and class expert  
19 reports should be separated or proceed on the same track.

09:29:06 20 This case is already going slowly in my mind. I  
21 believe there should only be one expert discovery period. I  
22 think bifurcation will cause undue delay. It's going to lead  
23 to some inefficiencies and in my experience endless disputes  
24 about whether certain discovery is class versus merits, expert  
09:29:26 25 discovery is class versus merits.

1           The schedules that the parties have proposed, expert  
2 discovery doesn't begin until December 2025. That's almost  
3 two years from now. And if events occur that make this ruling  
4 that there will be no bifurcation of expert discovery, if  
5 events occur that make that ruling something that ought to be  
6 reconsidered, you can ask for me to reconsider it, and if  
7 there is good reason to do so, I'll certainly reconsider.

8           But at this stage, I just don't see any reason to  
9 bake into a schedule something that I think is going to cause  
10 unnecessary delay.

11           I'm going to ask the parties to by Friday submit a  
12 joint expert discovery schedule consistent with my ruling  
13 today. And if you can reach agreement on the dates, terrific.  
14 It may be what the plaintiffs are already proposing. It may  
15 be something closer, at least in dates, to what T-Mobile is  
16 proposing. Hopefully it's something that you all can agree  
17 upon, possibly a middle ground or possibly what the plaintiffs  
18 are proposing.

19           If you can't agree on the dates for combined merits  
20 and class expert discovery, note your disagreements in the  
21 submission you make Friday, and I'll resolve those without any  
22 phone call or further briefing. I'll simply resolve it and  
23 give you dates that you can then use when you are retaining  
24 experts and scheduling out the various tasks you are going to  
25 have in this case.

1 Any questions from plaintiff?

2 MR. SMITH: No, Your Honor. Thank you.

3 THE COURT: Any questions from defendants?

4 MS. BRASS: No, Your Honor. Thank you.

09:31:13

5 THE COURT: Okay, very good. We'll look forward to a  
6 submission, a very brief submission on Friday consistent with  
7 what I've just talked about, and we'll go from there. And we  
8 will set a status date in 60 days.

09:31:29

9 Emily, do you have a date you can give them right  
10 now?

11 THE COURTROOM DEPUTY: We can say April 5th at 9:15.

12 THE COURT: How does that work for plaintiff?

13 MR. SMITH: We'll make it work, Your Honor.

14 THE COURT: All right. And for defendant?

09:31:41

15 MS. BRASS: We will do the same, Your Honor.

16 THE COURT: Okay. Very good. Anything else we need  
17 to discuss, first from plaintiffs?

18 MR. SMITH: No, Your Honor, nothing else from  
19 plaintiffs' perspective.

09:32:01

20 THE COURT: And from defendants?

21 MS. BRASS: Your Honor, nothing else here.

22 THE COURT: Okay. Thank you all for being patient.  
23 Sorry we didn't get to you earlier. Take care.

24 MR. SMITH: Thank you, Your Honor.

25 MR. HISTED: Have a good day, Judge.



1 (Proceedings concluded)

2 C E R T I F I C A T E

3 I, Jennifer S. Costales, do hereby certify that the  
4 foregoing is a complete, true, and accurate transcript of the  
5 proceedings had in the above-entitled case before the  
6 Honorable THOMAS M. DURKIN, one of the judges of said Court,  
7 at Chicago, Illinois, on February 6, 2024.

8  
9 /s/ Jennifer Costales, CRR, RMR, CRC

10 Official Court Reporter

11 United States District Court

12 Northern District of Illinois

13 Eastern Division  
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